

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



February 2, 2005

ALL COUNTY LETTER NO. 05 - 02

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD CARE COORDINATORS
ALL WELFARE-TO-WORK COORDINATORS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: CHANGES IN LAW AFFECTING SUBSIDIZED CHILD CARE FOR 11
AND 12 YEAR-OLD CHILDREN

REFERENCE: SENATE BILL 1104, CHAPTER 229, STATUTES OF 2004
EDUCATION CODE SECTION 8263.4

PURPOSE

The purpose of this letter is to inform County Welfare Departments (CWDs) of provisions in the budget trailer bill, Senate Bill 1104 which added Section 8263.4 to the Education Code, and transmit the California Work Opportunity and Responsibility to Kids (CalWORKs) Stage One Child Care implementation instructions for child care for 11 and 12 year-old children.

BACKGROUND

Education Code, Section 8263.4 states that the preferred placement for children who are 11 or 12 years of age, except for children with exceptional needs, and who are otherwise eligible for subsidized child care services shall be in an after school program. The child care needs of the family shall be considered met when a parent certifies in writing that the after school program will meet their child care needs. Children who are receiving and/or are eligible for subsidized child care services shall continue to receive subsidized child care if the after school programs do not meet the families' child care needs.

After school programs are defined in Section 8263.4 (f) of the Education Code. These programs provide an educational and literacy component whereby tutoring or homework assistance is provided. In addition a component of educational enrichment may be included that offers fine arts, recreation, and physical fitness activities.

These programs are administered by the California Department of Education (CDE) and are operated by grantees in numerous locations throughout California. More

information, including site locations by county for these programs can be found at the following web sites:

After School Education and Safety Program – <http://www.cde.ca.gov/ls/ba/as/>
21st Century Community Learning Centers – <http://www.cde.ca.gov/ls/ba/cp/>

Education Code Section 8263.4(e) states that the placement preference does not apply to a child with exceptional needs who has an individual education plan as required by the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), or Part 30 (commencing with Section 56000), and who has a demonstrated need for child care and development services.

PROGRAM REQUIREMENTS

Family Notification

All CWDs shall provide families with children who are 10 years and 10 months, 11, or 12 years of age preferred placement information. CWDs must modify their version of the current form CCP7, CalWORKs Stage One Child Care Request Form and Payment Rules, to allow families to self-certify that the after school program meets all or a part of their child care needs. The CCP7 form must be modified as soon as administratively possible. A modified form CCP7 is attached for your review and use.

Family Selection of Care

Since this legislation states that the preferred placement for 11 and 12 year-old children is in the newly defined after school programs, CWDs should encourage families to locate and visit the After School Education and Safety Programs (ASES) and 21st Century Community Learning Centers (21st CCLC) in their area to determine if these programs will meet their child care needs. CWDs can download a list of the programs and sites available throughout the state from the web sites listed above. This information should be made available to families with children enrolled in Stage One subsidized child care.

Families should determine if the after school programs will provide the type of care that their child(ren) require as well as meet the need for care and supervision for the family. A family may continue to be enrolled in subsidized child care for part of a day and an after school program for a different part of the day. Families should be informed that the after school programs typically do not operate during school holidays, winter break, spring break, intersession, staff development days and summer vacation. If a summer program is available, it may operate for only three hours a day.

Return Rights

CalWORKs families should also be informed if they choose to transfer their child(ren) to an after school program for all or part of the day, and subsequently determine that the

after school program cannot meet their needs, the family will receive priority to transfer back to subsidized child care as funding permits, per the Manual of Policy and Procedures, Section 47-201.3.

Procedures for Transferring Children to After School Programs

After the family has been accepted by an ASES/21st CCLC, the CWD will issue a Notice of Action (NOA) to the family terminating or reducing subsidized child care based on the parent's request to voluntarily transfer the child(ren) to one of the after school programs. The CWD and the family will mutually determine the effective date of the NOA. When the NOA is given/sent to the family, the CWD should include a copy of the completed form CCP7.

Children with Exceptional Needs

The changes to the Education Code apply only to 11 and 12 year-old children that do not have exceptional needs. However, there is nothing prohibiting the family of an 11 or 12 year-old child with exceptional needs from transferring their child for all or part of the day to an ASES/21st CCLC. The after school programs encourage enrollment of children with exceptional needs. If the family of an 11 or 12 year-old child with exceptional needs chooses to transfer their child(ren) for all or part of the day to an after school program, the CWD should follow the procedures listed above.

If you have any questions regarding this ACL, please contact Susan Durkee at (916) 657-2144.

Sincerely,

*Original Document Signed by
Charr Lee Metsker on 2/2/05*

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Enclosure

c: CWDA
CSAC

CalWORKs STAGE ONE CHILD CARE REQUEST FORM AND PAYMENT RULES

If you are a California Work Opportunity and Responsibility to Kids (CalWORKs) recipient and you are employed or attending a welfare-to-work activity, you may be eligible for paid child care. Child care payments in Stage One cannot go back more than 30 calendar days from the date you request paid child care from your worker. In order to receive paid child care in Stage One, you must be determined eligible and your provider has to meet certain requirements.

If you are seeking child care for your 11 or 12 year old, the preferred placement is in an After School Education and Safety Program. Information and site location for these programs is available on the internet at: <http://www.cde.ca.gov/ls/ba/as> and <http://www.cde.ca.gov/ls/ba/cp> or you may telephone the Child Care Resource and Referral Agency listed below.

You must sign and return this form to your worker. You may also use this form to request child care if you need it at this time.

Please check one of the following:

- ☐ I need paid child care assistance at this time so that I can go to work or attend my welfare-to-work activity.
- ☐ I do not need paid child care at this time. I understand that I must request paid child care from my worker if I need it in the future.
- ☐ I certify that an After School Education and Safety Program will meet all ☐ or part ☐ of my child care needs for my 11 or 12 year old child.

I understand that as a CalWORKs recipient, paid child care is available to me to work and attend my welfare-to-work activity. If I need assistance to find and/or choose a child care provider, I can contact the local Child Care Resource and Referral agency listed below:

Name: _____ Telephone: (_____) _____

Address: _____

I understand that I must inform my worker as soon as I have a need for paid child care. I understand that CalWORKs will help me pay for child care only after I request paid child care. My worker's telephone number is: (_____) _____.

I understand that after I ask for help paying for child care, I will have to give my worker certain information to see whether or not I am eligible. I understand that I need to request paid child care within 30 calendar days from the first day I received services from my provider. This way, my child care provider can be paid for the services s/he provides to me.

I understand that my child care provider has to meet certain requirements in order to get paid, and I must pay for any child care services I receive if my child care provider does not meet these requirements.

I have read this notice or have had it read to me, and I understand that if I have any questions or need additional information regarding this notice, I can ask my worker.

CASE NAME	CASE NO.
SIGNATURE	DATE
WORKER NAME	PHONE